

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

STATE FARM FIRE & CASUALTY
COMPANY, et al.,

Plaintiffs,

Civil Action No. C-1-01-891

vs.

CARRIER CORPORATION, et al.,

Novotny, M.J.
(Formerly assigned to Beckwith, J.)

Defendants.

**ORDER THAT DEFENDANT GENERAL ELECTRIC'S MOTIONS TO
PRECLUDE PLAINTIFFS FROM PRESENTATION OF ANY EXPERTS'
IDENTIFICATION, SUBMISSION OF REPORTS OR SUBMISSION OF
TESTIMONY (Docs. 31, 32) ARE GRANTED**

On July 9, 2003, and on July 11, 2003, defendant General Electric Company filed motions to preclude plaintiffs from presentation of any experts' identification, submission of experts' reports, or submission of experts' testimony. (Docs. 31, 32). As grounds for relief, defendant General Electric Company alleges that plaintiffs failed to meet the deadlines established in the amended calendar order issued on May 9, 2003. (Doc. 29).

On September 23, 2003, the Court issued an Order to plaintiffs to show cause why defendant General Electric Company's motions should not be construed as unopposed and granted. (Doc. 35). Plaintiffs have not responded to the Court's Order To Show Cause.

Review of the record reveals that, following an informal status conference on May 8,

2003, an Amended Calendar Order was issued which extended the deadlines for plaintiffs to identify experts and to produce expert reports. When a party fails to comply with a timetable for the production of information under Fed. R. Civ. P. 26(a)(2)(B) and 26(e)(1), concerning disclosure of expert opinions, the Court has the authority to impose a condign sanction, including the authority to preclude the use of late-disclosed expert testimony. *See Macaulay v. Anas*, 321 F.3d 45, 50 (1st Cir. 2003) (citations omitted). The Court finds that plaintiffs have failed to comply with the Court's calendar order.

IT IS THEREFORE ORDERED THAT Defendant General Electric Company's motions to preclude plaintiffs from presentation of any experts' identification, submission of experts' reports, or submission of experts' testimony (Docs. 31, 32) are **CONSTRUED AS UNOPPOSED** and, for good cause shown, are **GRANTED**.

IT IS SO ORDERED.

s/Susan M. Novotny
Susan M. Novotny
United States Magistrate Judge